

AMENDED IN SENATE JUNE 7, 2010

AMENDED IN SENATE MAY 27, 2010

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1962

Introduced by Assembly Member Chesbro

February 17, 2010

An act to add Section 5565.5 to the Public Resources Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1962, as amended, Chesbro. Real property: parks and open space: irrevocable offers of dedication.

Existing law authorizes a regional park district, regional park and open-space district, or regional open-space district to plan, adopt, lay out, plant, develop, and otherwise improve, extend, control, operate, and maintain a system of public parks, playgrounds, golf courses, beaches, trails, natural areas, ecological and open-space preserves, parkways, scenic drives, boulevards, and other facilities for public recreation, for the use and enjoyment of the inhabitants of the district, and to select, designate, and acquire land, or rights in land, within or without the district, to be used and appropriated for those purposes.

This bill would authorize an irrevocable offer of dedication of an interest in real property for any of those uses and purposes to be made to ~~a regional park district, regional park and open-space district, or regional open-space~~ *such a* district, with the consent of the board of directors of the district. The bill would require the offer of dedication to be executed, acknowledged, and recorded in the same manner as a

conveyance of real property, and would provide that, when recorded in the office of the county recorder, the offer of dedication is irrevocable and may be accepted at any time by the board of directors of the district. The bill would authorize the board of the directors of the district to terminate the offer of dedication and abandon the right to accept the offer, if 2 specified findings are made.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5565.5 is added to the Public Resources
2 Code, to read:

3 5565.5. (a) ~~With the consent of the board of directors of a~~
4 ~~regional park district, regional park and open-space district, or~~
5 ~~regional open-space district, formed pursuant to this article, an~~
6 ~~irrevocable offer of dedication of an interest in real property for~~
7 ~~any of the uses or purposes authorized~~ *board of directors of a*
8 *district, an irrevocable offer of dedication of real property or any*
9 *interest in real property for any of the purposes authorized by this*
10 article may be made to the district pursuant to this section. The
11 offer of dedication shall be executed, acknowledged, and recorded
12 in the same manner as a conveyance of real property. The offer of
13 dedication, when recorded in the office of the county recorder,
14 shall be irrevocable and may be accepted at any time by the board
15 of directors of the district.

16 (b) An offer of dedication may be terminated, and the right to
17 accept the offer abandoned, by a majority vote of the board of
18 directors of the district and only if the board of directors makes
19 both of the following findings:

20 (1) The offer of dedication was never accepted and, therefore,
21 termination or abandonment of the offer does not constitute a
22 conveyance of an interest in real property dedicated for park or
23 open-space purposes.

24 ~~(2) The interest in real property that would be conveyed by the~~
25 ~~offer of dedication cannot be utilized effectively now or in the~~
26 ~~future for park or open-space uses.~~

27 (2) *At the time of the offer of dedication, or any time after the*
28 *acceptance of that offer, the district cannot effectively use the real*

- 1 *property, or interest in real property, that would be conveyed by*
2 *the offer of dedication for park or open-space purposes.*
3 (c) The procedure prescribed by this section is alternative to
4 any other procedure authorized by law.

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